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3 **BEFORE THE ARIZONA STATE BOARD OF**
4 **MASSAGE THERAPY**

5 In the Matter of:

6 **Robert Andrew Boyle**
7 Holder of License No. **MT-18359**

BOARD CASE NO. 19-130

8
9 For the Practice as a Massage Therapist
10 In the State of Arizona

DECISION AND ORDER

11 **RESPONDENT**

12 On April 29, 2019, during a regularly scheduled board meeting, the Arizona
13 State Board of Massage Therapy ("Board") conducted a Formal interview with
14 Respondent Robert Andrew Boyle pursuant to A.R.S. § 32-4254(E). Respondent
15 appeared and was not represented by counsel. Following the Formal Interview, the
16 Board substantiated violations of its statutes and issues the following Findings of Fact,
17 Conclusions of Law and Order:

18 **FINDINGS OF FACT**

19 1. On April 30, 2017 and May 6, 2017, client BW received massage therapy
20 services from Respondent at Massage Envy in Chandler, Arizona.

21 2. BW lodged a complaint with Massage Envy in 2018 and reported to local
22 law enforcement that during her massage, Respondent pressed his clothed, erect penis
23 against her body.

24 3. Respondent denies that he engaged in the activity that BW alleges. He
25 admitted, however, that because of a debilitating medical condition he had at the time, he
26 was struggling to perform services as a massage therapist. He further alleges that he
wears a lotion bottle on a holster around his waist, which was likely what BW had felt.

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4 **CONCLUSIONS OF LAW**

5 1. The conduct and circumstances described above constitute grounds for
6 discipline pursuant to A.R.S. § 32-4253(A)(10) (engaging in conduct that could result in
7 harm or injury to the public).

8 2. The conduct and circumstances described above constitute grounds for
9 discipline pursuant to A.R.S. § 32-4253(A)(16) (failing to adhere to the recognized
10 standards and ethics of the massage therapy profession).

11 **ORDER**

12 IT IS HEREBY ORDERED that License Number MT-18359 issued to Robert
13 Andrew Boyle to practice as a massage therapist in the State of Arizona is hereby placed
14 on probation for six (6) months subject to the following terms and conditions:

15 **1. Continuing Education.**

16 During the term of probation, Respondent shall complete sixteen (16) hours of
17 continuing education, which must include courses covering the following subjects: ethics,
18 business practices, communication. These continuing education hours shall be in
19 addition to and may not be used to satisfy the hours required for the renewal of
20 Respondent's massage therapist license under A.R.S. § 32-4225. Respondent shall seek
21 and obtain pre-approval of his continuing education courses from Board or its designee
22 (staff). Continuing education that Respondent obtains pursuant to this Order must occur
23 in a live classroom setting, which the Board's designee may approve to occur in a live,
24 interactive online setting.

25 **2 Restitution.**

26 During the term of probation, Respondent shall provide restitution to BW in the
amount charged to BW for the massage. Respondent shall make the payment to the order
of BW, and provide a certified check or money order to Board staff so that it may
distribute those funds to BW. The Board's designee (staff) shall obtain documentation

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3 from BW regarding these out-of-pocket expenditures and shall provide that information
4 to Respondent to allow him to comply with this requirement.

5 **3. Termination of Probation/Early Termination.**

6 Respondent must request that the Board terminate Respondent's probation when it
7 has elapsed. Respondent may also petition the Board for early termination of
8 Respondent's probation if Respondent has completed all of the terms of her probation.
9 Respondent must provide satisfactory evidence to the Board that Respondent has
10 completed Respondent's probation successfully. Failure of the Respondent to request
11 that the Board terminate Respondent's probation shall cause the probation to continue
12 beyond the time referenced above and until such time as Respondent makes a request or
13 provides the necessary documentation.

14 **4. General Provisions.**

15 a. Respondent shall pay all necessary fees throughout the term of Respondent's
16 probation to maintain Respondent's massage therapy license in active status.

17 b. Throughout the term of Respondent's probation, Respondent shall personally
18 appear before the Board when requested to do so by the Board or its staff.

19 c. Respondent shall obey all federal and state laws and rules governing the practice
20 of Massage Therapists.

21 d. Respondent shall pay all costs associated with complying with this Order.

22 e. If Respondent violates this Order in any way or fails to fulfill the requirements
23 of this Order, the Board, after giving the Respondent notice and the opportunity to be
24 heard, may revoke, suspend or take other disciplinary actions against Respondent's
25 license. The issue at such a hearing will be limited solely to whether this Order has been
26 violated.

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3 **NOTICE OF APPEAL RIGHTS**

4 Respondent is hereby notified that he has the right to petition for a rehearing or
5 review by filing a petition with the Board's Executive Director within thirty (30) days
6 after service of this Order. A.R.S. § 41-1092.09. The petition must set forth legally
7 sufficient reasons for granting a rehearing. A.A.C. R4-15-401(C). Service of this Order is
8 effective on the date of personal delivery or five days after the date of mailing. If a
9 motion for rehearing is not filed, the Board's Order becomes effective thirty (30) days
10 after it is mailed to the Respondent. Respondent is further notified that the filing of a
11 motion for rehearing is required to preserve any rights of appeal to the Superior Court.
12

13 DATED this 1st day of May, 2019

14 ARIZONA STATE BOARD OF MASSAGE THERAPY

15
16 By: 
17 Thomas Augherton Executive Director

18 Original Decision and Order
19 filed this 1st day of May 2019 with the:

20 Arizona State Board of Massage Therapy
21 1740 West Adams Street, Suite 3401
22 Phoenix, Arizona 85007

23 Copy of the foregoing sent via Regular and Electronic mail this
24 1st day of May 2019 to:

25 Robert Andrew Boyle
26 602 W Pecos Avenue
Mesa, Arizona 85210
andrewsouthpacific@yahoo.com

By: 